

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

CALLAWAY GOLF COMPANY,	)
	)
Plaintiff,	) C.A. No. 06-91 (SLR)
	)
v.	)
	)
ACUSHNET COMPANY,	)
	)
Defendant.	)

**ACUSHNET COMPANY'S MOTION TO DISMISS CALLAWAY'S CLAIM OF BREACH OF CONTRACT (COUNT V) AND TO PARTIALLY VACATE THE COURT'S NOVEMBER 20, 2007 OPINION AND ORDER**

Defendant Acushnet Company ("Acushnet") respectfully moves to dismiss Callaway's claim for breach of contract (Count V) and to partially vacate the Court's November 20, 2007 Opinion and Order. The grounds for this Motion are set forth in the accompanying brief in support.

Respectfully submitted,

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Dated: August 12, 2008  
 878078 / 30030

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**CERTIFICATE OF SERVICE**

I, David E. Moore, hereby certify that on August 12, 2008, the attached document was electronically filed with the Clerk of the Court using CM/ECF which will send notification to the registered attorney(s) of record that the document has been filed and is available for viewing and downloading.

I further certify that on August 12, 2008, the attached document was Electronically Mailed to the following person(s):

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                                )  
v.                            )  
                                )  
ACUSHNET COMPANY,         )  
                                )  
Defendant.                 )

**ORDER**

Having considered defendant Acushnet Company (“Acushnet”) Motion to Dismiss Callaway’s Claim for Breach of Contract (Count V) and to Partially Vacate the Court’s November 20, 2007 Opinion and Order;

IT IS HEREBY ORDERED, this \_\_\_\_\_ day of \_\_\_\_\_, 2008 that Acushnet’s Motion is GRANTED

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United States District Judge